

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION TECHNOLOGIES,
INC.,

Plaintiffs,

-against-

WAGO CORPORATION and
WAGO KONTAKTTECHNIK GmbH & CO. KG,

Defendants.

Case No. 3:10-CV-718-WMC

**DECLARATION OF LISA SCHAPIRA IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO NON-PARTY NATIONAL OILWELL VARCO, L.P.'S MOTION TO QUASH AND
MOTION FOR PROTECTION AND PLAINTIFFS' CROSS-MOTION FOR AN ORDER
COMPELLING COMPLIANCE WITH SUBPOENAS**

I, Lisa Schapira, declare as follows:

1. I am an associate with the law firm of Chadbourne & Parke LLP, counsel to Plaintiffs Rockwell Automation Technologies Inc. and Rockwell Automation Inc. ("Rockwell") in this action. I make this declaration based on personal knowledge and in support of Plaintiffs' Opposition to National Oilwell Varco, L.P.'s ("NOV") Motion to Quash and Motion for Protection and Plaintiffs' Cross-Motion For an Order Compelling Compliance with Subpoenas.

2. Attached hereto as Exhibit 1 is a true and correct copy of the proof of service for a Subpoena to Produce Documents served and a Subpoena Testify at Deposition indicated service of the aforementioned documents on NOV dated May 22, 2012.

3. Attached hereto as Exhibit 2 is a true and correct copy of the April 20, 2012 Hearing Transcript on Rockwell's motion to compel discovery.

4. Attached hereto as Exhibit 3 is a true and correct copy of the May 4, 2012 Hearing Transcript on Rockwell's motion to compel discovery.

5. In late May and early June, I had at least two telephone conversations with Robert Bowick – Counsel for NOV. During these conversations, I expressed Rockwell's willingness to work with NOV to reduce the burden of responding to the Subpoenas. I consented to extending the response deadline for the Records Subpoena to June 29, 2012 and agreed to adjust the deposition date to July 11, 2012. I stated that Rockwell was willing to reevaluate the need for a deposition after reviewing documents from NOV. On the phone, NOV provided information to me on its operations and use of the accused products and some explanation as to why additional time was required to determine how and where the accused products were being used by NOV. On June 28, 2012, NOV sought a three week extension from the Court to respond to the Subpoenas. In late June, I met and conferred with NOV through its counsel Brad Laney. During a telephone conversation on July 9, 2012 Rockwell again responded to inquiries regarding the relevance of the documents and entertained a request regarding copying costs. On July 11, 2012, I met and conferred again with Mr. Laney. Mr. Laney indicated that he recently had a conversation with Wago's counsel and had been told that Rockwell was not entitled to discovery regarding Wago's customers. During this time, Mr. Laney and I also discussed the stipulations considered by Rockwell and Wago regarding proof of infringing use. I obtained and provided Mr. Laney with the transcript from the May 4, 2012 Hearing on Rockwell's motion to compel discovery from Defendants. On July 12, 2012, I had another telephone call with Mr. Laney to discuss NOV's objections and the relevance of the material. In response to an inquiry as to whether documents would be produced on Friday, Mr. Laney represented that the production of documents on July 13, 2012 was unlikely because NOV had not yet taken steps to collect the documents. I again stated that it was willing to work with NOV regarding its response to

minimize the burden of responding to the Subpoenas and asked to be informed of specific obstacles. Mr. Laney was unable to tell me why it would be difficult for NOV to locate documents responsive to the Subpoenas.

I declare under the penalty of perjury under the law of the United States that the foregoing is true and correct.

Dated: July 19, 2012

/s/ Lisa Schapira
Lisa Schapira (admitted in W.D. Wis.)
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2012, pursuant to a written agreement between the parties' counsel governing service in this action, a copy of this document is being served by electronic mail on Defendants' counsel listed below at the email addresses listed below:

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/s/ Lisa Schapira
Lisa Schapira